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IN THE

Supreme Court of the United States

OCTOBER TERM, 1935.

No. 660.

UNITED STATES OF AMERICA, *Appellant*

v.

ELGIN, JOLIET AND EASTERN RAILWAY COMPANY.

MOTION OF THE AMERICAN SHORT LINE RAILROAD ASSOCIATION FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE AND BRIEF AMICUS CURIAE.

CLARENCE A. MILLER, *Counsel for*
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As Amicus Curiae.

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MOTION FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE.

May it Please the Court:

The undersigned, as counsel for The American Short Line Railroad Association, respectfully moves this Honorable Court for leave to file the accompanying brief in this case as *amicus curiae.*

Respectfully submitted,

CLARENCE A. MILLER, *Counsel for*
THE AMERICAN SHORT LINE RAILROAD ASSOCIATION
As Amicus Curiae.

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BRIEF OF THE AMERICAN SHORT LINE RAILROAD ASSOCIATION AS AMICUS CURIAE.

I.

PRELIMINARY STATEMENT.

The American Short Line Railroad Association is a voluntary non-profit Association of 322 short-line railroads operating 11370 miles of railroad in the United States. The members of this Association have a direct economic interest in the proper interpretation and application of the so-called "Commodities Clause" of the Interstate Commerce Act,[1] which is involved in this case, and it is with re-

[1] Sec. 1 (a) of the Interstate Commerce Act, approved June 29, 1906, c. 3591, 34 Stat. 584, 585, U. S. C., Tit. 49, Sec. 1 (8). The statute reads as follows: "From and after May first, nineteen hundred and eight, it shall be unlawful for any railroad company to transport from any State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, or to any foreign country, any article or commodity, other than timber and the manufactured products thereof, manufactured, mined, or produced by it, or under its authority, or which it may own in whole or in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier."

spect to this interest that this brief is filed. It is confined to a presentation of the interests of those in whose behalf it is filed, and endeavors not to duplicate the arguments presented by the able counsel representing the parties to the case.

II.

THE QUESTIONS PRESENTED.

This case presents for determination the question whether a railroad subsidiary of a holding company may transport in interstate commerce commodities[2] manufactured, mined or produced by a producing subsidiary of the holding company without violating the Commodities Clause of the Interstate Commerce Act.

Stated in another way the issue may be said to be whether a railroad subsidiary of a holding company, as a matter of law, owns, or has a direct or indirect interest in commodities manufactured, mined or produced by a producing subsidiary of the holding company by reason of the fact that the holding company owns both the railroad and the producing company.[3]

III.

SUMMARY OF ARGUMENT.

A. The Commodities Clause does not, in purpose or effect, prohibit, *ipso facto,* a railroad subsidiary of a holding company transporting in interstate commerce commodities manufactured, mined or produced by a producing subsidiary of that holding company.

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[2] Timber and timber products and commodities necessary and intended for use by the railroad are excluded from the prohibitions of the statute.

[3] The questions presented as viewed by appellant are stated on pages 2 and 3 of its brief. As viewed by the appellee they are stated on pages 5 and 6 of its brief.

The Court below (R. 497-498) found, *as a fact,* that there is no domination of the affairs of the railroad subsidiary by its parent holding company. That finding, being supported by the evidence, the question of domination will, therefore, not be discussed in this brief.

B. Congress has consistently declined to amend the Commodities Clause in such a way as to prohibit, *ipso facto*, a railroad subsidiary of a holding company from transporting commodities manufactured, mined or produced by a producing subsidiary of that holding company.

C. The Commodities Clause was not intended to prohibit the industrial ownership of railroads.

IV.

ARGUMENT.

Point A.

The Commodities Clause does not, in purpose or effect, prohibit, ipso facto, a railroad subsidiary of a holding company transporting in interstate commerce commodities manufactured, mined or produced by a producing subsidiary of that holding company.

The Commodities Clause makes it unlawful for a railroad company to transport, in interstate commerce, any article or commodity (with specified exceptions) (1) that is manufactured, mined or produced (a) by it (the railroad company) or (b) under its authority, or (2) which it may own in whole or in part, or (3) in which it may have an interest, either direct or indirect.

To sustain the proposition that a railroad subsidiary of a holding company violates this clause when it transports commodities produced by a producing subsidiary of that holding company, the Court must find and hold that the ownership by a holding company of a railroad subsidiary and a producing subsidiary, as a matter of law,—

1. Makes the railroad subsidiary the manufacturer, miner or producer of the commodities manufactured, mined or produced by the producing subsidiary; or

2. Makes the railroad subsidiary the owner, in whole or in part, of the commodities manufactured, mined or produced by the producing subsidiary; or

3. Gives the railroad subsidiary an interest, either direct or indirect, in the commodities manufactured, mined or produced by the producing subsidiary.

The Court below found, *as a fact,* that the railroad subsidiary had not transported in interstate commerce any article or commodity which actually, as a matter of fact, was manufactured, mined or produced by it, or in which it actually, as a matter of fact, had an interest direct or indirect, excepting articles or commodities necessary and intended for use in the conduct of its business as a common carrier (R. 497).

The Court below concluded, *as a matter of law,* that the mere ownership by a holding company of all the stock of both a railroad corporation and an industrial corporation is not a violation of the Commodities Clause even when such railroad corporation transports in interstate commerce commodities produced or owned by such industrial corporation (R. 499).

We believe the Court below was right in its finding of fact and conclusion of law.

The appellee is a common carrier by railroad, incorporated under the laws of Illinois and Indiana, and is engaged in interstate commerce, subject to the Interstate Commerce Act (R. 2, 15). It serves many industries not in any way connected with the parent holding company or that holding company's producing subsidiaries (R. 90). It serves competitors of the producing subsidiaries of its parent holding company (R. 91).

To support its position that a railroad subsidiary of a holding company has an interest, within the meaning of the Commodities Clause, in commodities owned by producing subsidiaries of that holding company, appellant relies primarily upon *United States* v. *Reading Co.,* 253 U. S. 26, 64 L. ed. 760, 40 Sup. Ct. Rep. 425 (1920).

The *Reading Case* does not sustain this position because:

1. That case was primarily a suit under the Anti-Trust Laws,[4] and it was only by virtue of such that there was any authority for the decree rendered.

2. The Commodities Clause was only incidentally involved in that case.

3. The issue there, so far as the Commodities Clause was concerned, was whether combining in a single corporation the ownership of all of the stock of a carrier and all of the stock of a *coal* company resulted, *in fact*, in the railroad company having such a community of interest in the product of the coal company as to be within the prohibitions of the Commodities Clause, when, *in fact*, the management and operation of the coal company and the holding company were by the same authority, the set-up being designed to accomplish things prohibited by the Commodities Clause.

In the instant case the Court below has found that the holding company has never taken any part in managing the operation of the railroad subsidiary, or exercised any control over the transportation conducted by it, or taken any part in the transactions between the railroad subsidiary and the shippers using it (R. 497). The facts in the instant case, therefore, readily distinguish it from the *Reading Case*. Additionally, the record is clear that the set-up in the case now before the Court was not in any wise designed to accomplish the prohibitions of the Commodities Clause.

The *Reading Case* did not holding that, *as a matter of law*, the ownership by a holding company of the stock of a railroad company and of the stock of a coal company *ipso facto* was a violation of the Commodities Clause.

On the contrary, this Court has held that in order that there be a violation of the Commodities Clause the railroad must have an interest, legal or equitable, in the commodity transported, and that the mere ownership of the stock of a

[4] Act of July 2, 1890, c. 647, 26 Stat. 209.

producing company does not give it such an interest. *United States* v. *Delaware & Hudson Co.*, 213 U. S. 366, 53 L. ed. 836, 29 Sup. Ct. Rep. 527 (1909).

This principle was approved in *United States* v. *Lehigh Valley R. Co.*, 220 U. S. 257, 55 L. ed. 458, 31 Sup. Ct. Rep. 387 (1911), and the rule established that where a railroad company owning the stock of a producing company so dominates the business of the producing company as to make the two practically undistinguishable there is a violation of the Commodities Clause where the railroad company transports the products of the producing company.

Again, in *United States* v. *Delaware, Lackawanna & Western R. Co.*, 238 U. S. 516, 59 L. ed. 1438, 35 Sup. Ct. Rep. 873 (1915), this Court held that the common ownership of stock of a railroad company and a producing company does not result in a violation of the Commodities Clause. In that case the railroad company was held to be violating the Commodities Clause only because, under a contract between it and the producing company, the two companies had, in fact, become inseparable. The situation in this case was held to be indistinguishable from that in the *Lehigh Case.*

Having considered the *Hudson, Lehigh* and *Lackawanna Cases,* this Court, in the *Reading Case,* at page 62 of its opinion, said that the law upon the subject now is—

> "* * * that while the ownership by a railroad company of shares of the capital stock of a mining company does not necessarily create an identity of corporate interest between the two such as to render it unlawful under the commodities clause for the railroad company to transport in interstate commerce the products of such mining company, yet where such ownership of stock is resorted to, not for the purpose of participating in the affairs of the corporation in which it is held in a manner normal and usual with stockholders, but for the purpose of making it a mere agent, or instrumentality or department of another company, the courts will look through the forms to the realities

> of the relation between the companies as if the corporate agency did not exist and will deal with them as the justice of the case may require."

Since, *as a matter of law*, the mere ownership by the holding company of the stock of the railroad company and the producing company does not, under the decisions above cited, result in a violation of the Commodities Clause where the railroad company transports the commodities of the producing company; and since, *as a matter of fact*, there is in the present case no domination of the affairs of the railroad company by the holding company, and the railroad company and producing company are separately and independently operated, the decree of the Court below should be affirmed. There has been no showing made by appellant which would bring this case, *ipso facto*, within the factual principles enounced.

Form alone cannot bring the case within the prohibitions of the statute when in fact it is not within its terms. Mr. Justice Holmes, speaking for the Court in *Bullen* v. *Wisconsin*, 240 U. S. 625, 630-631, 60 L. ed. 830, 36 Sup. Ct. Rep. 473 (1916), said:

> "When the law draws a line, a case is on one side of it or the other, and if on the safe side is none the worse legally that a party has availed himself to the full of what the law permits."

It is worthy of note that the *Hudson, Lehigh, Lackawanna, and Reading Cases* all involved the direct evil sought to be eliminated by the Commodities Clause, namely—the disassociation of the railroads from the ownership of *coal* transported by them.

The enactment of the Commodities Clause was the outgrowth of a number of investigations made by the Interstate Commerce Commission[5] of the transportation of *coal*

[5] Illustrative of this is the case of *New York, New Haven & Hartford R. Co.* v. *Chesapeake & Ohio Ry. Co.*, 200 U. S. 361, 50 L. ed. 515, Sup. Ct. Rep. (1906).

and *oil* owned, directly or indirectly, by the transporting carriers, which resulted in a conviction on the part of the Commission that the carrier's interest in the coal frequently created problems of unfair car distribution and discrimination in rates.

The Commodities Clause was enacted as a part of the Hepburn Act.[6] It was not in the bill as originally introduced, but had its inception in an amendment offered which provided only that no railway official or employee should be interested, directly or indirectly, in furnishing materials or supplies to a *mining* company.

On February 19, 1906, this Court handed down its opinion in *New York, New Haven & H. R. Co.* v. *United States*, 200 U. S. 361, 50 L. ed. 515; 26 Sup. Ct. Rep. 272 (1906), holding that there had been a departure from the filed tariffs so far as the transportation of certain coal owned by the Chesapeake & Ohio and sold to the New Haven was concerned. This case was frequently referred to in the debates in Congress as illustrating the evils of railroad-owned coal mines.[7]

These debates disclose that the primary evil aimed at by the Commodities Clause was the ownership of coal mines by railroads which transported the coal from these mines via their own roads with resulting discriminations against independently-owned mines.

During the course of the debates on the Hepburn Bill in the Senate many Senators urged the necessity of industries being able to own railroads.[8] That the Senate did not want the Commodities Clause applied where the shipper of a transported commodity also owned, or had an interest in, the railroad was made clear by the record.[9]

Congress clearly intended that the Commodities Clause

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[6] Act approved June 29, 1906, c. 3591, 34 Stat. 584.

[7] 40 Cong. Rec. 6498-6500, 6509, 6562, 6565-6566.

[8] 40 Cong. Rec. 6460, 6496, 6500, 6564-6567.

[9] Senator Tillman's amendment to accomplish this purpose was defeated. 40 Cong. Rec. 7012-7014.

be applied only where a railroad transports commodities which the railroad owns or in which it has an interest.

The record in the instant case is devoid of any facts showing the existence of any of the evils which the Commodities Clause was designed to eliminate.

Point B.

Congress has consistently declined to amend the Commodities Clause in such a way as to prohibit, ipso facto, a railroad subsidiary of a holding company from transporting commodities manufactured, mined or produced by a producing subsidiary of that holding company.

To give the Commodities Clause the interpretation and effect urged by the appellant would require the Court judicially to promulgate a rule of law which Congress has consistently declined to enact. It would seriously affect many so-called "Investment Trusts."

In his Annual Report to Congress, 1914, at page 6, the Attorney General of the United States said:

> "I recommend an amendment which will prohibit a railroad from transporting in interstate commerce articles which it manufactured or produced, or which were manufactured or produced by any corporation controlled by it or affiliated with it by having the same controlling stockholders, irrespective of whether such railroad or such controlled or affiliated corporation has an interest in the articles at the time of transportation. It is also necessary, if transportation and production are to be completely divorced, that Congress prohibit any railroad, owned or controlled by a producing or trading corporation, and not operated merely as a plant facility, from transporting in interstate commerce articles produced or owned by such corporation, and I recommend appropriate legislation to that end."

This recommendation was repeated in the Annual Reports of the Attorney General for 1915 (p. 8), 1916 (p. 8)

and 1917 (p. 8). In 1920 there was an extensive revision of the Interstate Commerce Act.[9] No member of Congress at that time proposed a revision of the law along the lines recommended by the Attorney General.

At the time the Commodities Clause was being considered by the Congress, Senator Tillman, of South Carolina, offered an amendment which would have prohibited what is here complained of. That proposed amendment read as follows:

> "After May 1, 1908, it shall be unlawful for any common carrier to engage in the transportation of interstate commerce, if such common carrier shall at the time be interested, directly or indirectly, by stock ownership or otherwise, in the article or property which is the subject-matter of such commerce, or if it be interested in the time, directly or indirectly, by stock ownership or otherwise, in the mines or factories producing such commerce; or if at the time any officer, director, agent, or employee of such common carrier be interested, directly or indirectly, by stock ownership or otherwise, in the business of buying or selling such article or property which is the subject-matter of such commerce, or in the mines or factories producing the same; or if at the time stockholders owning more than 10 per cent of the capital stock of such common carrier be interested, directly or indirectly, in the business of buying or selling such article or property which is the subject-matter of such commerce, or in the mines or factories producing the same.
>
> "This section shall not prevent a common carrier from mining coal or carrying articles or property for its own use or for the use of its officers, directors, agents, employees, or stockholders." (40 Cong. Rec., pt. 7, p. 7012, May 17, 1906.)

This amendment was rejected (40 Cong. Rec., pt. 7, p. 7014, May 17, 1906). Following this rejection the provision as it now exists was adopted (40 Cong. Rec., pt. 7, p. 7016, May 17, 1906).

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[9] Act of February 28, 1920, c. 91, 41 stat. 456.

This action clearly evidences the intent of the Congress not to prohibit the common ownership of a railroad company and a producing company, and, further, not to prohibit a railroad subsidiary of a holding company from transporting the products of a producing subsidiary.

That the Congress did not desire a change in the law to effectuate what is here being sought is evidenced by the fact that no attention was paid to the recommendations of the Attorney General as above noted, except the introduction of bills which were never acted upon.[10]

Appearing before the Committee on Interstate and Foreign Commerce of the House of Representatives, on January 15, 1915, in connection with H. R. 20470, introduced to carry out the recommendations of the Attorney General, the Assistant Attorney General, Mr. Todd and Representative Sims, the Chairman of the Committee, engaged in the following colloquy:

> "Mr. Sims. Has any case arisen where the coal company owned the railroad and shipped its product over its own railroad and in that way evaded the effect of the law?
>
> "Mr. Todd. That is my third point. I have stated two reasons why the present law fails to accomplish the object which apparently it is conceded Congress had in mind. The third reason is that the law itself, apparently, does not prohibit such a case as Mr. Sims stated, where the producing company owns and operates a railroad—at least it does not do so in terms. In the bill which the chairman has introduced that case is met.
>
> "Perhaps I had better now summarize the three reasons why the present law does not accomplish a separation of transportation from production. The first reason is that under the decisions of the courts the act speaks as of the time of transportation, as it were, and does not prohibit a railroad company engaged in interstate commerce from transporting in interstate com-

[10] H. R. 20470, 63d Cong., 3d Sess., was the only one which was considered to the extent of holding hearings on it. It received no further attention.

merce articles which it produced, provided it parts with title before the transportation. The second reason is that it has been held that a railroad company has not interest, direct or indirect, in an article owned by a coal company whose stock in turn is owned by the railroad company, unless the railroad company has in the particular case so exerted its stock control over the coal company, so commingled with the affairs of the two as to make the coal company a mere department of the railroad company. The third deficiency is that under the existing law, by its terms at least, a producing or manufacturing company is not prohibited from owning and operating a railroad company. Of course, I take it that no one desires to prohibit a manufacturing company from owning a railroad company as a mere plant facility. What I mean is that under the existing law there is nothing to prevent a manufacturing company from owning what is virtually a trunk-line railroad company."—*Hearings on H. R. 20470, Before Committee on Interstate and Foreign Commerce, House of Representatives, January 15, 1915. U. S. Senate Library, Hearings, Vol. 96, No. 5, pp. 9-10.*

In his Annual Report for 1927, at page 27, the Attorney General again called the matter to the attention of Congress, in the following language—

"In recent years industrial and manufacturing corporations have acquired ownership or control of numerous railroads, comparatively small in size, but important, nevertheless, because of their strategic locations and the large volume of interstate traffic hauled by them. While operating as and enjoying all the privileges and powers of common carriers, generally speaking, these roads are but mere departments of the industrial corporations which own or control them and whose traffic is transported by them. The statute does not forbid the ownership of the road by corporations, yet the evils of discrimination and preference resulting from such ownership are equally detrimental as when the carrier owns the manufacturing or producing company."

Thus it will be seen that the Congress has consistently declined to amend the law so as to read as this Court is asked to interpret and apply it. It would be unfortunate, indeed, if this Court should render a decision which would have the effect of prohibiting the industrial ownership of railroads.

Point C.

The Commodities Clause was not intended to prohibit Industrial ownership of railroads.

When Congress enacted the Commodities Clause, in 1906, it had before it the recommendations of the Interstate Commerce Commission.

Prior to 1905 the Commission had made no recommendations for legislation. In its Annual Report for 1905, at pages 10-11, it said:

> "It has been suggested that the Congress should prohibit railways from employing any agency or using any facility in the transportation of property which is furnished by the owner of the property. We should hesitate to recommend at this time so drastic a measure as that. Assuming that such a law would be a constitutional exercise of authority, it would seriously interfere with property rights which have grown up under the present system. Moreover, there are many instances in which the service can be rendered or the facility furnished more advantageously both to shipper and railway and without injury to the public if provided by the shipper himself."

Congress, therefore, limited its legislative efforts to disassociating the carriers from the mining and shipping of coal and their primary function of furnishing transportation service, and to giving the Interstate Commerce Commission adequate power to curb any abuses that might arise, by authorizing it, in Section 15 (13) of the Interstate Commerce Act, to determine the reasonableness of allowances made by the railroads to shippers.

Only once since the enactment of the Commodities Clause has the Interstate Commerce Commission decried alleged discrimination by reason of the community of interest between carriers and industrial corporations. (Annual Report, 1910, p. 33.)

Since that time the Commission has, in numerous cases, approved the construction of railroads by industries furnishing even a major portion of the traffic to be hauled by the carrier.[11]

As late as 1930 the Commission authorized the acquisition by the Delaware & Hudson Railroad Corporation of the lines of railroad operated by the Delaware & Hudson Company. The Delaware & Hudson Company is a holding company owning the stock of the Delaware & Hudson Railroad Corporation, on the one hand, and the stock of the Hudson Coal Company and other industrial companies on the other hand. The acquisition by the Delaware & Hudson Company of control of the Delaware & Hudson Railroad Corporation by purchase of stock was also authorized and approved. The Commission, therefore, approved a corporate set-up analogous to the one which the Government here contends results in a violation of the Commodities Clause, and one involving *coal*—the primary evil sought to be corrected by the Commodities Clause. (*Delaware and Hudson Company,* 158 I. C. C. 615 (1930))

In *Upper Marion & Plymouth R.R. Co. Acquisition,* 166 I. C. C. 351, also decided in 1930, the Commission approved the acquisition of the railroad by the Alan Wood Steel Company, where the industry owned the stock of a coke company and the railroad company, all being controlled by common interests, with common officers and directors. The Commission authorized the issue of its stock by the rail-

[11] Construction of Line by R. C., M. & N. Ry., 117 I. C. C. 19; Construction by Algers, Winslow & Western Ry., 145 I. C. C. 123; Acquisition by Trans-Florida Central R. R., 124 I. C. C. 366; Operation by Big Creek & Talocasst R. R., 138 I. C. C. 751; Hobart Southern R. R. Co. Acquisition, 190 I. C. C. 667; Lake Decatur & E. R. R. Co. Proposed Acquisition, 175 I. C. C. 405:

road company to be sold at par to the steel company, holding it was for a lawful object and compatible with the public interest.

There are many railroads having substantially the same corporate relation to their controlling industries as is involved in the case at bar.[12] The Interstate Commerce Commission has for years been acquainted with this situation. Both the Commission and the Attorneys General have recognized that such an interest is not prohibited by the Commodities Clause, and that the carrier may transport the products of the controlling industry. These roads, as well as the carrier involved in the case at bar, have for many years acted in accordance with the administrative and law-enforcing tribunals' construction of the statute. At this late date this settled administrative construction should not be interfered with. (*United States* v. *Chicago North Shore & Milwaukee Ry. Co.*, 281 U. S. 1, 77 L. ed. 583, 53 Sup. Ct. Rep. 245 (1933), and cases therein cited and followed.)

V.

CONCLUSION.

It is respectfully submitted that the decree of the lower Court should be affirmed.

Respectfully submitted,

CLARENCE A. MILLER, *Counsel for*
THE AMERICAN SHORT LINE RAILROAD ASSOCIATION
As Amicus Curiae.

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[12] Alton & Southern R. R., 149 I. C. C. 22, 37, 41; Bauxite and Northern Ry. Co., 121 I. C. C. 474, 496; Edgemoor & Manetta Ry., 114 I. C. C. 294, 295; Pittsburgh, A. & McK. R. R. R. Co., 114 I. C. C. 533, 534; Upper Marion & Plymouth R. R. Co., 166 I. C. C. 351; and Delaware & Hudson Co., 158 I. C. C. 615, 637, 641, are among them. A more extended list is attached as Exhibit. "A."

APPENDIX.

PARTIAL LIST OF INDUSTRIAL RAILROADS WHICH HAVE SUBSTANTIALLY THE SAME CORPORATE RELATION TO THEIR CONTROLLING INDUSTRIES AS THE DEFENDANT.

RAILROAD	I. C. C. REFERENCE	QUOTATION FROM REPORT
Alton and Southern R. R.	149 I. C. C. 22, 37, 41	It is controlled by the Aluminum Company of America, whose plant at East St. Louis, Ill., is apparently the principal industry served. The principal industries are the Aluminum Cooking Utensil Company, Excelsior Tool and Machinery Works, and the Lubrite Refining Company.
Bauxite and Northern Ry. Co.	121 I. C. C. 474, 486	It reports that during the year 1918 it handled 550,817 tons of freight of which 542,861 tons represented products of mines, most of which was received from the American Bauxite Company, a subsidiary of the Aluminum Company of America, which latter controls the railroad.
Dent's Run R. R. Co.	110 I. C. C. 239, 245	It is controlled by certain stockholders of the Bennets Branch Coal Company through ownership of a majority of its capital stock.
Dexter & Northern R. R. Co.	121 I. C. C. 675, 681	It is controlled by individuals connected with the Dexter Sulphite Pulp and Paper Company through ownership of its entire outstanding capital stock.
Edgmoor & Manetta Ry.	114 I. C. C. 294, 295	The principal industry served is the Manetta Cotton Mill at Lando, which furnishes most of the traffic. The railway and the cotton mill are controlled by the same interests.

Railroad	I. C. C. Reference	Quotation from Report
Garden City Western Ry. Co.	103 I. C. C. 601, 603	It is controlled by individuals who control the Garden City Sugar and Land Company.
Lithonia & Arabia Mountain Ry. Co.	106 I. C. C. 141, 143	The carrier is controlled by Louis Drach, principal owner of the Arabia Granite Company.
Lorain & Southern R. R. Co.	125 I. C. C. 234, 242	It is controlled by the owners of The Ohio Quarries Company through ownership of its entire outstanding capital stock.
Muncie & Western R. R. Co.	106 I. C. C. 318, 322, 323	On date of valuation the carrier was controlled by five individuals by the name of Ball, who were also the principal stockholders of the Ball Brothers Glass Manufacturing Company, a company closely affiliated with the carrier through ownership of all but one share of the outstanding stock of the carrier.
Pittsburgh Allegheny & McKees Rocks R. R. Co.	114 I. C. C. 533, 534	The business of The Pressed Steel Car Company is the principal industry served and is controlled by the same interests as the railroad.
River Terminal Ry. Co.	119 I. C. C. 12, 13	The carrier is an industrial railroad, most of its revenue being derived from switching cars between the plants of the River Furnace Company, an affiliated company, and connecting railroads. It is controlled by The St. Paul Iron Mining Company through ownership of a majority of the outstanding capital stock.

Railroad	I. C. C. Reference	Quotation from Report
St. Paul Bridge & Terminal Ry. Co.	143 I. C. C. 375, 389	It is controlled by Louis F. Swift through ownership of a majority of the outstanding capital stock.
Toledo, Angola & Western Ry. Co.	114 I. C. C. 646, 652	It is controlled by W. F. Robison through ownership of a majority of its capital stock. All recorded transactions pertaining to the carrier prior to October, 1908, were found in the books of the Toledo Stone & Glass Sand Company, which company was also controlled by W. F. Robison.
Verde Tunnel & Smelter R. R. Co.	108 I. C. C. 712, 714	Control of the carrier, on date of valuation, was vested in W. A. Clark, President of The United Verde Copper Company, through ownership of a majority of the outstanding capital stock.
Washington Run R. R. Co.	125 I. C. C. 171, 174	The railroad is controlled by the same interests that control the Manor Coal Company.
Minarets & W. Ry. Co.	43 Val. 442, 447	It is controlled by the same interests that control the Sugar Pine Lumber Company.
Peoria H. C. & W. Ry. Co.	44 Val. 871, 880	The carrier is controlled by the same interests that control the Crescent Coal Company, of Peoria, Ill.
Upper Merion & Plymouth R. R. Co.	166 I. C. C. 351	The Steel Company owns the stock of the Coke Company and of the applicant. The applicant serves the Steel Company, the Coke Company, and other non-allied industries on its line.